

Chapter 8

Motor Vehicles and Traffic

State law reference - Authority of town to regulate motor vehicles, G.L. c. 40, sec. 22. Regulation of traffic on streets, G.L. c. 85, sec. 10. Motor vehicles generally, G.L. c. 90. Law of the road, G.L. c. 89, secs. 1-11.

Cross references - Streets and sidewalks generally, Chapter 13. Spilling contents of vehicles onto streets, Sec. 13-6. Rules and regulations of the Board of Health with respect to the transportation of noxious substances, Sec.20-6.

Section

- Sec. 8-1. Coasting.
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Sec. 8-1. Coasting.

No person shall coast upon or across any sidewalk or street in town, except on certain streets which the selectmen shall designate. (1932 Bylaws, Art. 12, Sec. 3)

State law reference - Authority of town to regulate coasting, G.L. c.85, secs. 10A.

Sec. 8-2. Driving on sidewalk; standing vehicle on sidewalk or crosswalk.

No person shall drive any horse or vehicle, except baby or invalid carriages, upon any sidewalk nor allow any vehicle to stand upon or obstruct any sidewalk or crosswalk, except when loading or unloading goods or crossing the walk necessarily. (1932 Bylaws, Art. 12, Sec. 4)

Sec. 8-3. Moving heavy machine or vehicle over sidewalk or other area where damage to pipes, fences, etc., might occur.

No person shall drive, move or operate any truck, tractor, bulldozer, power shovel or other heavy machine or vehicle or cause or permit such machine or vehicle to be driven, moved or operated upon or across any sidewalk or over any area outside of the traveled portion of a street or way, where such driving, moving or operating may cause damage to any such sidewalk or to drains, pipes, fences or other town property, without first obtaining a written permit from the Board of Selectmen. Such permit shall be granted in the discretion of the selectmen and under such conditions for the protection of the property of the town and the safety of the public as the selectmen may require. (10-28-46, Art. 16)

Sec. 8-4. Parking at night without lights.

In accordance with the provisions of Chapter 90 Section 7 of the General Laws, parking of motor vehicles at night without lights is hereby permitted on all streets; provided that such parking is not otherwise in violation of nor prohibited by any General Law, provision of this Code or other town bylaw or other rules and regulations in effect. (4-2-56, Art. 88)

Sec. 8-5. Disruption of pedestrian or vehicular traffic.

Before undertaking any work, including, without limitation, construction, repair, maintenance or reconstruction work, in or within or affecting a public way, the person responsible for such work or in charge of those performing such work, shall review such work with the Chief of Police, or his designee, to determine whether or not such work will result in the disruption of the normal flow of traffic or cause a safety hazard to pedestrian or vehicular traffic. If the Chief of Police, or his designee, determines that such work will result in the disruption of a normal flow of traffic or cause to exist a safety hazard to pedestrian or vehicular traffic the person responsible for such work or in charge of those performing such work shall observe the safety precautions ordered by the Chief, or his designee, including the hiring of a Stoneham Police Officer, under the existing regulations governing private paid police details, to direct traffic and minimize the vehicle safety hazards connected with such work.

No work shall be commenced in, within or affecting a public way until the requirements of this Section 8-5 have been complied with. The Town of Stoneham is exempt from the requirements of Section 8-5. Whoever violates the provisions of this Section 8-5 shall be subject to a fine not to exceed \$200.00. (10-26-81, Art. 23)

Sec. 8-6. Parking—Disabled veterans or handicapped persons.

Upon determination by the Chief of Police that handicapped parking spaces are necessary in an area to which the public has access, for the protection of the lives or property of the public, the owner, or the person having control of such premises, shall provide, install, and maintain parking spaces for the handicapped according to provisions as provided by law. (10-18-82, Art. 14)

Sec. 8-7. Town Hall parking.

Upon determination by the Police Chief that Town Hall Parking is necessary for the carrying out of Town business, the Town Administrator shall provide, install and maintain restrictive parking signs and striping in the location designated by the Police Chief. The Police Chief shall be authorized to issue a means of identification to town employees, to be utilized when said employees are performing the Town Business. The provisions of Chapter 90 Section 20A1/2 shall apply to any rules and regulations promulgated in connection with this Bylaw. (101882, Art. 14)

Sec. 8-8. Unlawful parking.

It shall be unlawful to park or leave standing or unattended, for greater than two hours, on any public way or private way open for use for the general public, any vehicle or combination of attached vehicles twenty-five (25) feet or more in length or having a registered gross weight of ten thousand pounds (10,000 lbs.) or more, or any unattached trailer regardless of its length or weight.

The term vehicle shall include, but not be limited to, a truck, tractor, trailer, bus, van, motor or mobile home, or recreational vehicle.

The prohibition imposed hereby shall not apply to the parking or standing of such vehicles when:

(a) Making pickups or deliveries, or loading or unloading goods, to or from property located on the way or within one thousand feet (1000') of the subject property.

(b) Being used in connection with, or in aid of, the performance of a service to or on a property located on the way or within one thousand feet (1,000') of the subject property.

(c) Parked or standing on a private way in a district zoned as "commercial" on the Town of Stoneham zoning map on file in the office of the Building Inspector and the Department of Public Works. (10-27-03, Art. 14)

Editors note – See Chapter 1, Section 1-4A.

Sec. 8-9. Motorized Scooters, skateboards, etc.

(a) *Prohibited Absent Express Written Permission.* No person shall operate a motorized scooter, motorized skateboard, or other similar motorized vehicle (hereinafter referred to as “personal motorized vehicles”) on any town owned or controlled: public way, sidewalk, park, playground, recreational area, public school property, or any other property owned or controlled by the Town, without the express written permission to do so from the town official(s) or officer having jurisdiction over the use of said town property or their respective designee (hereinafter referred to as the “authorizing official”) The following vehicles shall be exempt from the provisions of this Bylaw:

- (1) Vehicles licensed by the Commonwealth of Massachusetts as motor vehicles;
- (2) Vehicles licensed or used by the Federal Government or any federal agency, instrumentality or entity, including the United States Postal Service, performing a service to the public;
- (3) Personal motorized vehicles used by handicapped persons;
- (4) Personal motorized vehicles used by governmental law enforcement personnel, including police officers; and
- (5) Landscaping equipment.

(b) *Conditions on the Grant of Written Permission.* Any grant of written permission to use a personal motorized vehicle issued by the authorizing official pursuant to Section 8-9(a) shall include the following conditions/restrictions: No personal motorized vehicle shall be operated:

- (1) Without being equipped with a braking system;
- (2) Without the rider wearing a helmet;
- (3) In a careless or reckless manner so as to endanger the safety of any person or the property of any person; and
- (4) Without complying with applicable federal and state laws and regulations.

The authorizing official is further authorized to impose such other restrictions and limitations as deemed appropriate or necessary to protect the public safety, interest and welfare.

All persons using Town property pursuant to a grant of permission shall comply with the restrictions and limitations referenced herein or imposed pursuant hereto.

(c) *Enforcement and Penalties.* In addition to any other enforcement or penalty allowed under state law or Town bylaw, including, but not limited to, that provided pursuant to Section 1-4 of these Bylaws, violation of this bylaw may be enforced by non-criminal disposition, by any police officer or traffic director in the manner provided by General Laws,

Chapter 40, Section 21D and Section 1-4A of these Bylaws. The specific non-criminal disposition penalty which shall apply to a violation of this bylaw shall be as follows:

First offense within a twenty-four month period - Warning

Second offense within a twenty-four month period - \$50.00

Third and subsequent offense within a twenty-four month period - \$100.00

Each day a violation continues shall be a separate violation/offense subject to another fine. The enforcement of this bylaw by non-criminal disposition as described herein shall be added to the list of bylaws so designated and enforced in Section 1-4A of these Bylaws.

(d) *Notification of Parent or Guardian of Minor- Non-Criminal Disposition.* A non-criminal disposition penalty shall be sought on a minor under the age of eighteen (18) only if in compliance with applicable state law, including General Laws, Chapter 40, Section 21D, and only if the minor's parent or guardian was previously notified in writing, forwarded by first class mail, that a warning had been issued to said minor pursuant to Section 8-9. (5-6-02, Art.1)

Sec. 8-10. Parking at Town Owned Property for Uses Not Accessory to the Public Building or Public Use - License Required by Board of Selectmen.

No Parking shall be allowed in a Town owned parking area which is accessory to a municipal building regardless of which Town entity has jurisdiction over said Town owned property, unless a municipal parking license has been granted by the Board of Selectmen after a public hearing. This Section 8-10 shall not apply to Town parking lots provided and used for public parking purposes or for parking pursuant to a special permit granted pursuant to the Town of Stoneham Zoning Bylaws.

(a) The application for a municipal parking license must be made by or jointly with the Town entity having jurisdiction over the Town parking area.

(b) Notice of the public hearing of the Board of Selectmen shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing. Notice shall also be sent by mail, postage prepaid to all direct abutters to the subject municipal parking lot. All costs for notices shall be paid by the private party seeking to use the subject Town parking lot.

(c) The application for a municipal parking license shall contain such information, which may include plans, that the Board of Selectmen deems relevant to its determination.

(d) The Board of Selectmen shall make its determination as to whether to grant or deny an application for a municipal parking license based on the totality of circumstances including the Town and public interest. The Board of Selectmen may attach conditions to the grant of a municipal parking license.

(e) No grant of a municipal parking license by the Board of Selectmen, including any condition(s) attached to such license, shall require the Town entity having jurisdiction over said Town parking area to enter into any rental or license with a party seeking to use the subject Town parking. Jurisdiction over the Town property, including the financial terms and conditions of the rental or licensing of said Town property, shall remain with the Town entity having jurisdiction over said property in accordance with the Town of Stoneham Selectmen-Administrator Act. Nothing in this Section 8-10 shall effect or diminish any legal requirements under applicable law with respect to the use of Town property or procurement thereof.

(f) The Board of Selectmen may make such regulations consistent with this bylaw that it deems necessary to effectuate its purpose. (5-7-07, Art. 7)